

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 135.11(12), the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 176, “Criteria for Awards or Grants,” Iowa Administrative Code.

The rules in Chapter 176 describe the Department’s process for the issuance of awards and grants, for review of competitive selection applications, and for appeals. These proposed amendments provide for a second review, which shall be conducted by two management employees and one nonmanagement employee, of applications for the service delivery area when the applications receive an equal number of points, provide for public notice of available funds in the IowaGrants system Web site and designate the time period for decision and order of the director, which shall be issued within 90 days of the date of the receipt of an appeal.

Any interested person may make written comments or suggestions on the proposed amendments on or before October 21, 2014. Such written comments should be directed to Cheryl Christie, Bureau of Finance, Department of Public Health, 321 East 12th Street, Des Moines, Iowa 50319. E-mail may be sent to cheryl.christie@idph.iowa.gov.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 135.11, 17A.3(1) and 17A.15.

The following amendments are proposed.

ITEM 1. Amend rule 641—176.5(135,17A) as follows:

641—176.5(135,17A) Review process (competitive applications only). The review process to be followed in determining the amount of funds to be approved for award of a contract shall be described in the competitive selection application. The review criteria and the point allocation for each criterion shall also be described in the competitive selection application.

The review committee membership shall be determined by the bureau chief, with oversight from the respective division director. The review committee members shall allocate points per review ~~criteria~~ criterion in conducting the review.

In the event applications for the service delivery area receive an equal number of points, a second review may be conducted by two ~~division directors and the respective bureau chief administering the program~~ management employees and one nonmanagement employee as designated by the respective division director.

ITEM 2. Amend rule 641—176.7(135,17A) as follows:

641—176.7(135,17A) Public notice of available funds. ~~The program making funds available through a competitive selection application process~~ department shall post all competitive selection documents on the department of public health’s Web site at <http://www.idph.state.ia.us> ~~management’s IowaGrants Web site at www.IowaGrants.gov~~ for the duration of the application period.

ITEM 3. Amend subrule 176.8(1) as follows:

176.8(1) Appeal. Letters of intent and applications received by the department after the due date and time stated in the competitive selection application will be rejected, ~~returned to the applicant,~~ and will not be reviewed by the department, and a notice will be sent to the applicant. An applicant may appeal the denial of a timely submitted application. The appeal shall be submitted in writing within

ten business days of receipt of notification of the adverse decision. The appeal shall be addressed to the contract administrator cited in the competitive selection application guidance, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. In the event of an appeal, the department will continue working with the applicant awarded funding pending the outcome of the appeal.

ITEM 4. Amend subrule 176.8(5) as follows:

176.8(5) *Appeal to director.* Any appeal to the director for review of a proposed decision shall be ~~mailed~~ in writing and submitted to the director by electronic mail; delivered by certified mail, return receipt requested₂; or delivered by personal service within ten days after the receipt of the administrative law judge's proposed decision and order by the aggrieved party. A copy of the appeal shall also be mailed to the administrative law judge and the other parties. A request for appeal shall include the specific grounds for appeal.

ITEM 5. Amend subrule 176.8(7) as follows:

176.8(7) *Decision of director.* Upon receipt of a properly filed appeal, the director shall establish a briefing schedule and, at the discretion of the director, an opportunity for oral argument. An appeal to the director shall be based on the record made at the hearing. The director may reverse or modify any finding of fact if a preponderance of the evidence will support a determination to reverse or modify such a finding, or may reverse or modify any conclusion of law the director finds to be in error. The decision and order of the director shall be issued within 90 days of the date of the receipt of the appeal and delivered by certified mail, return receipt requested, or by personal service, and becomes the department's final decision upon receipt by the aggrieved party.